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HIGH COURT OF CHHATTISGARH, BILASPUR

W.P. (S) No. 6358 of 2007

PETITIONER Smt. Rikta Paul aged about 45 years, W/o Late Shri T.K. Paul, Resident of Old College Campus Chhota Bazar Chirmiri (C.G.)

Versus

RESPONDENTS

1. State of Chhattisgarh, Through- Secretary, Department of School Education, Mantralaya, D.K.S. Bhawan, Raipur (C.G.)
2. The District Education Officer, Korea, District Korea (C.G.)
3. Administrator through Principal, Lahiri Multipurpose, Higher Secondary School, Chirmiri, District – Korea (C.G.)
4. The Director, Directorate, Public Institution, Pension Bada, Raipur, (C.G.)

Appearance:

Shri R.K. Jaiswal, counsel for the petitioner.

Shri Sumit Verma, Panel Lawyer for the State on advance copy.

ORAL ORDER
(02.11.2007)

SUNIL KUMAR SINHA, J.

Heard on admission.

Learned counsel for the petitioner argues that the husband of the petitioner was a government servant and he was entitled to receive benefit of recommendation of 5th Pay Commission at par with the counter part in the Government Institution. It is submitted that the benefits of 5th Pay Commission was to be granted with effect from 1.1.1996 in accordance with the Madhya Pradesh Revision of Pay Rules, 1998. He further submits that many petitions have been filed in this regard and they have been disposed of with a liberty to the petitioner to make representation before the concerned authorities and the said authorities have been directed to consider the representation. However in those

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cases the petitioners were government servants but in this case the petitioner is wife of the deceased, who was a government servant. He also submits that this Court by judgment and order dated 6.2.2007 in case of Smt. A. Lall Vs. State of Chhattisgarh and other connected matters (W.P. No. 4108 of 2005) held that the teachers working in the Government Aided Schools are entitled to the benefit of recommendation of the 5th Pay Commission. The petitioner has claimed for same relief. He prays for giving liberty to the petitioner to file a representation before the concerned authority.

Accordingly, this petition is disposed of with a direction that if so advised, the petitioner may file representation before the concerned authorities within a period of 3 weeks from today along with copy of this order and copy of order passed in W.P. No. 4108/2005 and if such a representation is filed that shall be decided on its own merit in accordance with law in light of the judgment and order dated 6.2.2007 passed by this Court in the matter of Smt. A. Lall Vs. State of Chhattisgarh and other connected matters (Supra).

The petition is accordingly disposed of. No orders as to costs.

Sd/-
Sunil Kumar Sinha
Judge

vatti